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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/163,259	09/29/1998	FRANK W. ADAMS	4167-13	9788
7590 RANDY G. HENLEY OTIS ELEVATOR COMPANY PATENT DEPARTMENT TEN FARM SPRINGS FARMINGTON, CT 06032			EXAMINER PICO, ERIC E	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 07/14/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/163,259	<b>Applicant(s)</b> ADAMS ET AL.	
	<b>Examiner</b> Eric Pico	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 9-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/15/2007 has been entered.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim(s) 1 and 19 is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "high" in claims 1 and 19 is a relative term which renders the claim indefinite. The term "high" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 103***

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim(s) 1-6 and 19-23 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Aulanko et al. EP Publication No. 0710618 in view of Lewis U.S. Patent No. 1477886.

7. Regarding claim 1, 20-23, Aulanko et al. discloses an elevator comprising: a hoistway, referred to as elevator shaft, defined by a surrounding structure; an elevator car 1 and counterweight 2 located in the hoistway; and a drive motor, referred to as drive machine unit 6, located between the elevator car 1 and a sidewall of the hoistway, the drive motor 6 drivingly coupling and suspending the elevator car 1 and counterweight 2 via a set of hoisting ropes 3.

8. Aulanko et al. is silent concerning at least one flat rope, wherein the flat rope is made from a reinforceable high traction material, wherein the flat rope is reinforced with fiber, and wherein the high traction material is rubber.

9. Lewis teaches a flat rope, referred to as belt 2, wherein the flat rope 2 is made from a reinforceable high traction material, wherein the flat rope is reinforced with fiber, referred to as threads 5, and wherein the high traction material is rubber.

10. It would have been obvious to one of ordinary skill in the art at the time of the invention to couple and suspend the elevator car and counterweight disclosed by

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Aulanko et al. via a flat rope as taught by Lewis to facilitate the contact between the drive sheave and the suspension means.

11. It would have been obvious to one of ordinary in the art at the time of the invention was made to reinforce a flat rope with steel or fiber and provide a high traction material being urethane or rubber, since it has been held to be within the general skill to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

12. **Regarding claim 2**, Aulanko et al. discloses a first and second support columns, referred to as guide rails 11 and 11a, located on opposite sides of a hoistway relative to each other, guide rail 11 shown on the left side and guide rails 10 and 11a shown on the right side in Figure 1, each of the support columns 10, 11, 11a extending vertically from a bottom portion to a top portion of the hoistway between the elevator car 1 and the sidewall of the hoistway; and a support member, referred to as beam 20, mounted on and extending generally horizontally between the first and second support columns 10, 11, 11a at a top portion of the hoistway, and wherein the drive motor 6 is supported on the support member 20.

13. **Regarding claim 3**, Aulanko et al. discloses the counterweight is located underneath the support member between the elevator car and the sidewall of the hoistway, and the drive motor includes a drive sheave, referred to as traction sheave 7, drivingly coupling the elevator car and the counterweight via the set of hoisting ropes 3.

14. **Regarding claim 4**, Aulanko et al. discloses a counterweight sheave, referred to as diverting pulley 9, coupled to a top portion of the counterweight 2, and elevator

sheaves, referred to as diverting pulleys 4, coupled to an underside of the elevator car 1, the set of hoisting ropes 3 having first and second ends fixedly coupled at a top portion of the hoistway, the set of hoisting ropes 3 extending downwardly from the first end, referred to as anchorage 13, looping around the counterweight sheave 9, extending upwardly and looping about the drive sheave 7, extending downwardly and underslinging the elevator car 1 via the elevator sheave 4, and extending upwardly and terminating at the second end, referred to as anchorage 14.

15. **Regarding claim 5**, Aulanko et al. discloses the elevator sheaves 4, include first and second elevator sheaves 4 located at an underside of the elevator car 1 and at opposite sides relative to each other.

16. **Regarding claim 6**, Aulanko et al. discloses the first end of the set of hoisting ropes 3 is coupled to the support member 20 at anchorage 13.

17. **Regarding claim 19**, Aulanko et al. discloses an elevator system comprising: a hoistway having a wall; an elevator car 1 traveling within the hoistway; a counterweight 2 traveling within the hoistway; a set of hoisting ropes 3 engaged with the elevator car 1 and counterweight 2 to suspend the car 1 and counterweight 2; and a drive machine 6 located between the travel path of the elevator car 1 and the wall of the hoistway, the drive machine 6 engaged with the set of hoisting ropes 3 through traction to drive the set of hoisting ropes 3 and thereby the car 1 and counterweight 2.

18. Aulanko et al. is silent concerning one or more flat ropes; wherein the flat rope is made from a reinforceable high traction material.

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19. Lewis teaches a flat rope; wherein the flat rope is made from a reinforceable high traction material.

20. It would have been obvious to one of ordinary skill in the art at the time of the invention to engage and suspend the elevator car and counterweight disclosed by Aulanko et al. with the flat rope as taught by Lewis to facilitate the contact between the drive sheave and the suspension means.

21. Claim(s) 8 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Aulanko et al. EP Publication No. 0710618 in view of Lewis U.S. Patent No. 1477886 as applied to claim 2 above, and further in view of Hakala et al. U.S. Patent No. 5469937.

22. **Regarding claim 8**, Aulanko et al. discloses the first and second support columns 10, 11, 11a respectively include a first guide member 10, the guide member 10 defining an elevator guide surface extending vertically therealong at least over a length of the support columns 10, 11, 11a corresponding to the path of elevator car 1 travel, and the elevator car 1 defining opposing surfaces shaped to be movably engagable with the elevator guide surface 10 as the elevator car 1 moves vertically along the support column 10.

23. Aulanko et al. is silent concerning each of the guide members defining an elevator guide surface extending vertically therealong at least over a length of the support columns corresponding to the path of elevator car travel, and the elevator car defining opposing surfaces shaped to be movably engagable with the elevator guide surfaces as the elevator car moves vertically along the support columns.

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24. Hakala et al. teaches a first and second columns, referred to as integrated rail unit 12, respectively include first and second guide members, referred to as elevator guide rails 10, the guide members 10 defining an elevator guide surface extending vertically therealong at least over a length of the columns 12 corresponding to the path of elevator car 1 travel, and the elevator car 1 defining opposing surfaces shaped to be movably engagable with the elevator guide surfaces 10 as the elevator car 1 moves vertically along the columns 12, Column 2, Lines 50-61.

25. It would have been obvious to one of ordinary skill in the art at the time of the invention to make each of the guide members disclosed by Aulanko et al. define an elevator guide surface corresponding to the path of elevator car travel as taught by Hakala et al. to accommodate space constraints within the hositway.

### ***Response to Arguments***

26. Applicant's arguments with respect to claims 1-6, 8, and 19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP



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